

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GUY ROLAND SEATON,
Petitioner,

No. C - 08-0105 MHP
CR-02-00044 MHP

ORDER RE EXTENSION OF TIME

v.

UNITED STATES OF AMERICA,
Respondent.

Petitioner has requested an extension of time for the filing of his notice of appeal in an appeal now docketed in the Ninth Circuit Court of Appeals under Appeal No. 10-16569. The Clerk for the Court of Appeals confirms this court's review of its docket showing that the appeal has been timely filed. There is nothing on the Court of Appeals docket that indicates it is being treated as untimely. This was confirmed by a conversation with the Clerk's office this date which verified that the appeal was timely filed. Therefore, the motion for an extension of time within which to file the appeal is DENIED without prejudice.¹

IT IS SO ORDERED.

DATED: November 4, 2010


Marilyn Hall Patel
United States District Judge

¹ The court notes that the motion was not accompanied by a declaration. Any further need for an extension of time other than by stipulation will require a declaration by counsel justifying the excusable neglect or good cause.